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September 18, 2014

Via ECF

The Honorable Paul S. Grewal
United States Magistrate Judge
United States District Court
For the Northern District of California
San Jose Courthouse, Courtroom 5
28 South 1st Street
San Jose, California 95113

RE: *Clear-View Technologies, Inc. v. Rasnick, et al.*, 13-cv-02744-BLF-PSG (N.D. Cal.)

Dear Judge Grewal:

I write in response to the September 16, 2014 letter from Douglas Colt, one of the Plaintiff's attorneys, with respect to the alleged non-compliance of the Defendants with the Court's September 9, 2014 Order regarding document preservation and production.

First, please be advised that the Plaintiff is deposing Defendants John Rasnick, Will Rasnick, Parker Mattingly, and the designee(s) of Defendant M&R Solutions, LLC, on Friday, September 19, 2014, at the offices of Plaintiff's Counsel within the Northern District of California, specifically, at 555 Shoreline Drive, Suite 540, Redwood Shores, CA 94065. Defendants John Rasnick and Will Rasnick are traveling from Kentucky for their depositions. Defendant Parker Mattingly is traveling from Florida for his deposition. These depositions are commencing at 9:00 am (CST) on September 19, 2014, and will continue that day until completed.

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Second, Defendant J. Basil Mattingly has been out of the country during the relevant time period for the depositions and he will not return until Monday, September 22, 2014. Counsel is unable to communicate with Mr. Mattingly to arrange for his deposition at this time, and will do so immediately upon his return. Defendants thus respectfully request an enlargement of the time provided within the Court's September 9, 2014 Order in which Mr. Mattingly may be deposed by the Plaintiff for purposes of document preservation and production. Defendants respectfully request an additional ten (10) days in which that deposition may occur. Earlier this morning, Defendants' Counsel attempted to obtain the consent of Plaintiff for this request, but, given the time differential between the East Coast and the West Coast, Defendants' Counsel has not received a response at this time.

Finally, with respect to the meet and confer regarding an independent vendor to inspect the Defendants' applicable media, Defendants' Counsel has had a preliminary conversation with Plaintiff's Counsel and has indicated a willingness to meet and confer in considerable detail on Friday, September 19, 2014, when counsel are together for the above-referenced court-ordered depositions, on the mid- to late-afternoon of Monday, September 22, 2014 (Defendants' Counsel is traveling from North Carolina to the Bay Area that day), or on Tuesday, September 23, 2014, when the parties' counsel will be together for a third-party deposition in this case.

I hope this resolves the concerns of Plaintiff's Counsel as expressed in his letter to the Court of September 16, 2014. If not, we are available for a telephonic conference with the Court in order to resolve any outstanding differences.

Again, Defendants respectfully request the Court to enlarge the time within the Court's September 9, 2014 Order in which Defendant J. Basil Mattingly may be deposed.

Respectfully submitted,

JACKSON LEWIS P.C.

By: /s/
Douglas A. Rubel

c: All counsel of record (via ECF)